

EXHIBIT A

FILED
 3/23/2022 2:54 PM
 Mary Angie Garcia
 Bexar County District Clerk
 Accepted By: Laura Castillo
 Bexar County - 407th District Court

CIT PPS SAC3

2022CI05355

CAUSE NO: _____

RUBEN DELGADO, <i>Plaintiff,</i> VS. COVENANT TRANSPORT, INC., <i>Defendant.</i>	§ § § § § § §	IN THE DISTRICT COURT _____ JUDICIAL DISTRICT BEXAR COUNTY, TEXAS
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PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE AND JURY OF SAID COURT:

COMES NOW, RUBEN DELGADO, hereinafter referred to as "Plaintiff", complaining of COVENANT TRANSPORT, INC., hereinafter referred to as "Defendant", and for causes of action would respectfully show unto the Court the following:

Discovery

1. Plaintiff intends to conduct discovery under Level 3 of the TEXAS RULES OF CIVIL PROCEDURE 190.4 because the suit involves Plaintiff's monetary relief totaling more than \$1,000,000.00 including damages of any kind, penalties, court costs, expenses, prejudgment interest and attorney fees.

Parties and Service

2. Plaintiff is an individual residing in San Antonio, Bexar County, Texas.

3. Defendant COVENANT TRANSPORT, INC is a Foreign For-Profit Corporation headquartered in Chattanooga, Tennessee that does business in the State of Texas. Defendant can be served by serving their **Registered Agent: Corporation Service Company, d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas, 78701** by private process or Certified Mail, R.R.R.

Misnomer, Alter-Ego and Assumed Name

4. In the event any parties are misnamed or not included herein, it is Plaintiff's contention that such was a "misnomer" and/or such parties are/were "alter egos" of parties named herein. Plaintiff relies upon Vernon's TEXAS REVISED CIVIL STATUTES ANNOTATED, Art 6133, et seq., and Rule 28 of the TEXAS RULES OF CIVIL PROCEDURE in order to properly identify the Defendant herein.

Jurisdiction

5. This Court has jurisdiction of this case as the incident and damages are within the jurisdictional limits of this Court.

Venue

6. Venue is properly had in Bexar County, Texas pursuant to the general venue provision of §15.002(a)(1) of TEXAS CIVIL PRACTICE AND REMEDIES CODE, in that all or a substantial part of the events or omissions giving rise to this cause of action occurred in San Antonio, Bexar County, Texas.

Plaintiff's Narrative

7. On or about **September 25, 2021**, Plaintiff was operating his vehicle in a reasonable and prudent manner when he was sideswiped by Defendant's tractor trailer while merging into traffic.

8. As a proximate result of the aforementioned collision and Defendant's negligence, Plaintiff was caused to suffer property damage as well as serious and permanent physical injuries and damages as hereinafter described.

Causes of Action: Negligence

9. Plaintiff contends that on the occasion in question, the injuries and damages complained of were proximately caused by the negligent acts and/or omissions of the Defendant, because they violated the duty which they owed to the Plaintiff to exercise ordinary care in the operation of and entrustment of a motor vehicle in at least the following particulars:

- a. Failing to keep and maintain a proper look out; such as a person of ordinary care would have kept in the same or similar circumstances;
- b. Failing to maintain proper control of his vehicle such as a person of ordinary care would have done in the same or similar circumstances;
- c. Failing to control the speed of his tractor trailer such as a person of ordinary care would have done in the same or similar circumstances;
- d. Failing to use evasive maneuvers in order to control the control his tractor trailer such as a person of ordinary care would have done in the same or similar circumstances;
- e. Failing to apply his brakes as a person of ordinary care would have done in the same or similar circumstances; and
- f. Failing to keep a proper distance between vehicles as a person of ordinary care would have done in the same or similar circumstances; and
- g. Entrusting a motor vehicle to someone Defendant knew or should have known was a careless and unsafe driver.

10. **Respondeat Superior** – Defendant's employee was not properly trained regarding safe driving protocol such as maintaining a safe distance and general safety procedures. Therefore, under the legal theory of respondeat superior, Defendant is vicariously liable for the acts and omissions of their unsupervised, untrained and unskilled employee while he/she was acting within the scope of their employment for the benefit of Defendant.

11. Each of the foregoing negligent acts and omissions, whether taken singularly or in combination, were the proximate causes of the collisions made the basis of this cause of action;

the injuries suffered by Plaintiff, and damages sustained by Plaintiff, which are hereinafter described with more particularity.

Damages

12. Plaintiff further alleges that as a direct and proximate result of the conduct, and/or negligent acts of and/or omissions of Defendant, Plaintiff is entitled to recover at least the following legal damages:

- a. Reasonable and necessary health care expenses incurred in the past;
- b. Reasonable and necessary health care expenses which, in all reasonable probability, will be incurred in the future;
- c. Physical pain and mental anguish suffering in the past;
- d. Physical pain and mental anguish which, in all reasonable probability, will be endured in the future;
- e. Physical impairment/loss of enjoyment of life/disability, past and future;
- f. Lost wages in the past and future loss of wage-earning capacity; and
- g. Property damage.

Costs and Interests

13. It was necessary for the Plaintiff to expend monies as the costs of court requisite to prosecute this cause of action. Therefore, awards of these costs to the Plaintiff are authorized by Rule 131 of the TEXAS RULES OF CIVIL PROCEDURE. Plaintiff is also entitled pre-judgment and post-judgment interest as allowed by law.

Jury Request

14. Plaintiff respectfully requests the Court to order a trial on the merits by jury.

Request for Disclosure

15. Under the authority of RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff requests that Defendant disclose, within **50 days** of the service of this Petition and request, the information or material described in RULES 194.2 and 192.3 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l).

Prayer

WHEREFORE, Plaintiff prays that on final trial, the Honorable Court render judgment in favor of the Plaintiff and against the Defendant for the following to wit:

- a. Damages, actual, special, and otherwise in an amount more than \$1,000,000.00;
- b. All costs of Court;
- c. Both pre-judgment and post-judgment interest at the maximum legal rate; and
- d. For such other and further relief both general and special, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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407th District Court**Case Summary****Case No. 2022CI05355****Ruben Delgado VS Covenant Transport,
Inc.**

§ Location
§ **407th District Court**
§ Judicial Officer
§ **407th, District Court**
§ Filed on
§ **03/23/2022**

Case Information

Case Type: **MOTOR VEHICLE
ACCIDENT**

Case Status: **03/23/2022 Pending**

Assignment Information

Current Case Assignment

Case Number 2022CI05355
Court 407th District Court
Date Assigned 03/23/2022
Judicial Officer 407th, District Court

Events and Orders of the Court

03/23/2022 New Cases Filed (OCA)
03/23/2022 PETITION
03/23/2022 CIVIL CASE INFORMATION SHEET
03/23/2022 REQUEST FOR SERVICE AND PROCESS
03/24/2022 **Citation**
05/06/2022 REQUEST FOR SERVICE AND PROCESS
05/12/2022 **Citation**

05/19/2022 RETURN OF SERVICE - SUCCESSFUL
COVENANT TRANSPORT, INC